UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/783,030	02/23/2004	Radmond Vincent Arceta	086554-1056	3782

22428 7590 06/13/2007

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

EXAMINER	
VANAMAN, FRANK BENNETT	
ART UNIT	PAPER NUMBER
3618	

MAIL DATE	DELIVERY MODE
06/13/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/783,030	ARCETA ET AL.	
	Examiner	Art Unit	
	Frank Vanaman	3618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,7-10,18-24 and 32-43* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *24,35 and 36* is/are allowed.

6)☒ Claim(s) *1-4,7-9,18-22,32-34,37-39,42 and 43* is/are rejected.

7)☒ Claim(s) *10,23,40 and 41* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *11/27/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Status of Application

1. Applicant's amendments, filed Nov. 27, 2006 and March 22, 2007 have been entered in the application. Claims 1-4, 7-10, 18-24, and 32-43 are pending, with claims 39-43 being newly added.

Claim Rejections - 35 USC § 112

2. Claims 37 and 38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 37, line 3, "laptop surface" lacks a clear antecedent basis (compare to line 2 which recites a laptop platform).

Claim Rejections - 35 USC § 102

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claim 37 is rejected under 35 U.S.C. 102(b) as being anticipated by Bonini et al. (WO 01/97745, cited by applicant). Bonini et al. teach a cart having a laptop platform (9) and a work surface (12) separate from the laptop platform, a holder supporting a barcode scanner (11) in an inverted configuration, connected to the work platform through the laptop platform and top of the cart, the base of the cart being supported for movement (through wheels 8), a distal edge of the laptop platform movable in forward and rearward directions, the work platform taught to be pivotally mounted (see page 4, lines 27-28 - in view of the presence of the top of the cart, the revolving action is understood inherently to be about a vertical axis as the cart top would not allow revolving about a horizontal axis -- as such a vertical revolving axis would allow leftward and rightward movement of an end of the surface distal from the pivot).

Claim Rejections - 35 USC § 103

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. Claims 1, 8, 9, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al. (WO 03/013307, cited by applicant). George et al. teach a cart (10 in general) including a work platform including a platform portion (60) which may support a laptop and a work surface (74) separate therefrom and positioned

there-below, and at least one compartment (49) for containing items; a base (12) configured to be movable in a plurality of directions (through rolling caster wheels 20), a height adjustment mechanism (14, 15, 26, 28) which may locate the platform at a plurality of different heights, the base and platform portions both having portions extending forwardly and rearwardly of the height adjustment mechanism, the platform portion which may accommodate a laptop being movable in at least a forward and rearward direction (compare figures 4, 5), the work surface being movable along an arcuate path in left and right directions (arrows 88, 84).The reference to George et al. fails to teach a plurality of compartments. It is well known to be within the skill of the ordinary practitioner to duplicate already-taught items for the purpose of duplicating the taught effect/purpose there-of, or to enhance the taught effect; as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart taught by George et al. with plural compartments for the purpose of accommodating a greater number or variety of items.

7. Claims 2, 3, and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al. in view of Murphy et al. (US 6,626,445). The reference to George et al. is discussed above and fails to teach the compartments including drawers, configured to accommodate drawers of different sizes, and further including a handle disposed above the compartments, facing a forward direction. Murphy et al. teach a movable cart (10) which includes a plurality of compartments (defined at 28, 38) which may include drawers (e.g., 48) of differing sizes, and a handle (92) facing the same forward direction. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the compartments of the cart taught by George et al. with drawers as taught by Murphy et al., and a handle located above the compartments, for the purpose of (a) allowing small objects to be accommodated in the compartments without being lost, and (b) allowing a user to easily grasp and maneuver the cart from the end proximate the compartments.

8. Claims 7, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al. in view of Krichever et al. (US 5,151,581). The reference to George et al. is discussed above and fails to teach the provision of a mount for a bar code

reader, which is adjustable, and which may hold the reader in an inverted configuration. Krichever et al. teach a holder (170, 196, 170, etc) for a bar code reader (172) which may be positioned on a work surface (206) and which is adjustable (note figures 14-19), including an inverted configuration (e.g., figure 19). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the work surface taught by George et al. with a bar-code reader having an adjustable mount as taught by Krichever et al. for the purpose of allowing a user of the cart to read coded information from various items.

9. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over George et al. in view of Chisholm (US 6,860,494). The reference to George et al. is discussed above and fails to specifically teach the provision of a refuse container. Chisholm teaches that it is well known to provide a container (not referenced, supported by 134) which may accommodate refuse, on a cart (10). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a refuse container as taught by Chisholm on the cart taught by George et al. for the purpose of allowing trash or other discarded items to be carried on the cart.

10. Claims 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over George et al. in view of McConnell (US 5,257,767). The reference to George et al. is discussed above and fails to teach the provision of the shelf which moves in a forward and backwards direction as including an element which locks the shelf in a position between forward- and backward-most positions, and/or the shelf which moves left and right along an arc facing forwardly including an element which locks the shelf in a position between left and right-most positions. McConnell teaches a well known shelf structure including a shelf (24) which is not limited from supporting a laptop, and which may move in a forward and rearward direction (along 14), as well as an arcuate direction (about 42, 44), and wherein one adjustment (between 22 and 20) may be lockable in between end points of motion (70). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide each pivotal connection of the shelves of the cart taught by George et al. with the shelf pivot-locking structure

taught by McConnell for the purpose of allowing a user to precisely and immovably position the shelf in a specific desired location, or orientation.

11. Claims 32 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al in view of Bonini et al. Santoro et al. teach a cart (10) which may accommodate a work surface, and has a base (16, 18) with a height adjustment mechanism including a stationary casing (32) connected to the base, and a telescopic casing (34) adapted to connect to the work platform, with at least two drawer slides (50, 52) including rolling members (bearings, not referenced) connecting between the stationary and telescopic casing, with a driver (68) which may be run by an actuator (motor in 69) and which, when stopped, locks the casings with respect to one another. The reference to Santoro et al. fails to explicitly teach the work surface, however in view of the reference teaching that it is intended for use with such a surface, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a work surface (e.g., on top of 23, 24, 25) for the purpose of constructing a complete cart assembly. Santoro et al. fail to teach the provision of separate work and laptop platforms wherein a laptop platform may be moved in forward and rearward directions and the work platform may be moved in left and right directions along an arcuate path. Bonini et al. teach a cart having a laptop platform (9) and a work surface (12) separate from the laptop platform, a distal edge of the laptop platform movable in forward and rearward directions, the work platform taught to be pivotally mounted (see page 4, lines 27-28 -- in view of the presence of the top of the cart, the revolving action is understood inherently to be about a vertical axis as the cart top would not allow revolving about a horizontal axis -- as such a vertical revolving axis would allow leftward and rightward movement of an end of the surface distal from the pivot). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide separate movable work and laptop platforms or surfaces to the cart of Santoro et al. for the purpose of movably supporting various items of equipment on the top of the cart.

12. Claim 34 is rejected under 35 U.S.C. 103(a) as being unpatentable over Santoro et al. as modified by Bonini et al. as applied to claim 33 above, and further in view of Moore (US 6,578,501). The references to Santoro et al. and Bonini et al. are discussed

above and fail to teach the height adjustment as being made through the use of a gas piston in operative connection with the actuator. Moore teaches a telescoping height adjustment mechanism (22) which can lock a work surface at a plurality of heights (col. 2, lines 60-63) and includes inner (18) and outer (21) casing members, with a gas piston (20) which may allow vertical motion of the upper work surface when open, and which precludes motion when closed, the piston being controllable by an actuator (50). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the height adjustment actuator of the combined carts of Santoro et al. and Bonini as a pneumatic actuator as taught by Moore for the purpose of allowing simplified height adjustment of the work surface without requiring a power source (e.g., the motor taught by Santoro et al.)

Moore fails to specifically teach that the piston operates by an exhaust of gas therefrom when lowering and an intake of gas thereto when raising, however it is very well known in pneumatic suspensions for objects to operate a gas piston in this manner, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to arrange the piston to intake gas on raising and exhaust as on lowering for the purpose of ensuring easy operation of the height adjustment device for a user.

13. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bonini et al. (cited above). The reference to Bonini et al. fails to specifically teach the mount for the bar code scanner (11) as being adjustable, however adjustable holders for bar code scanners are very well known and it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the scanner (11) taught by Bonini et al. with an adjustable mount so as to allow a user to direct the scanner at a desired orientation, while not requiring the user to continuously hold the scanner in that orientation.

14. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US 6,721,178, cited previously) in view of Manalang et al. (US PGPub. 2002/0165641). Clark et al. teach a cart (10 in general) for use in a medical care environment having a work platform (86) and at least one compartment (below 86, above 70), for containing an item (e.g., on 70), a base (78a, 89b) configured to be

movable in forward and rearward directions, a height adjustment mechanism (22 in general) configured to position the work surface at one of a plurality of heights, the work platform and base both including portions projecting forwardly and rearwardly form the height adjustment portions, the compartment being accessible on a front face to a user facing the rear (e.g., away from the viewer, figures 4a, 4b). The reference to Clark et al. fails to explicitly teach plural compartments. It is old and well known to provide plural storage compartments on movable carts for accommodating additional items, and it would have been obvious to one of ordinary skill in the art at the time of the invention to provide at least one further compartment on the cart of Clark et al. for the purpose of accommodating or storing additional items. The reference to Clark et al. fails to teach the provision of a keyless entry system for locking and unlocking the compartments. Manalang et al. teach that it is well known to provide a keyless entry system (20, 22, 24, 70) on a cart used in a medical care environment or allowing selective access to compartments. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the cart taught by Clark et al. with at least one compartment which may be locked by a keyless entry/locking system as taught by Manalang et al. for the purpose of limiting access to the selectively lockable compartment to only authorized personnel.

15. Claim 43 is rejected under 35 U.S.C. 103(a) as being unpatentable over Clark et al. (US 6,721,178, cited previously). Clark et al. teach a cart (10 in general) having a work platform (86) and at least one compartment (below 86, above 70), for containing an item (e.g., on 70), a base (78a, 89b) configured to be movable in forward and rearward directions, a height adjustment mechanism (22 in general) configured to position the work surface at one of a plurality of heights, including a stationary casing (74) connected to the base, a telescoping casing (72) connected to the platform and movable with respect to casing 74, a driver (stop element referred to at col. 9, line 57) which is operated by an actuator (42) located on the work platform, and disposed above a bottom of the compartment, the work platform and base both including portions projecting forwardly and rearwardly form the height adjustment portions, the compartment being accessible on a front face to a user facing the rear (e.g., away from

the viewer, figures 4a, 4b). The reference to Clark et al. fails to explicitly teach the actuator as being positioned above the compartment. It is quite well known to provide a storage or accommodation space, such as a drawer, for elements wherein mechanical portions not intended for storage in the space are not positioned in that space, and as such, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide the actuator at a location above the compartment taught by Clark et al. for the purpose of preventing interference between the items located in the compartment and the actuator.

Allowable Subject Matter

16. Claims 24, 35 and 36 are allowed.

17. Claims 10, 23, 40 and 41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Comments

18. Applicant's comments, filed with the amendment, have been carefully considered. Applicant's assertions, comparing the newly amended claims and the references applied against the claims prior to the instant amendment are noted, and the examiner agrees that the references as previously applied fail to teach the material which is now recited in the claims. Note the references to George et al., Bonini et al., Clark et al. and Manalang et al., now applied in response to applicant's amendment.

Conclusion

19. Applicant's amendment necessitated the new and/or modified ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry specifically concerning this communication or earlier communications from the examiner should be directed to F. Vanaman whose telephone number is 571-272-6701.

Any inquiries of a general nature or relating to the status of this application may be made through either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A response to this action should be mailed to:
Mail Stop _____
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450,
Or faxed to:
PTO Central Fax: 571-273-8300

F. VANAMAN
Primary Examiner
Art Unit 3618

6/6/07